

Rights and Responsibilities

APPLICANT/RECIPIENT RIGHTS AND RESPONSIBILITIES FOR THE FOOD STAMP PROGRAM:

Additional information regarding your rights and responsibilities is contained in the Client Information Books (LDSS-4148A; LDSS4148B and LDSS-4148C). These books can be obtained at your local district.

AS AN APPLICANT/RECIPIENT OF FOOD STAMP BENEFITS YOU HAVE RIGHTS:

TO HAVE AN INTERVIEW:

- 1) The interview must be scheduled as promptly as possible in order to determine eligibility and to issue benefits within 30 days of application filing.
- 2) You may bring someone to your interview to interpret for you. If you need an interpreter, the agency will arrange for one. You cannot be denied access to services because you are not fluent in English or hearing or speech impaired. Local districts may utilize the TTY/TTD relay systems to gain access to services for hearing or speech impaired applicants/ recipients. If you have any special needs you can request special accommodations from your local district.
- 3) If you have a disability, you have the same right to access and be interviewed for the Food Stamp Program as someone who does not have a disability.
- 4) You must be told, within 30 days of the date you turned in (filed) your Application for Food Stamp Benefits, if your Application is approved or denied. If you are eligible for expedited processing you must be told within 5 days after the date you turned in (filed) your Application if you are qualified for Food Stamp Benefits.
- 5) You may request that the in-office interview be waived in hardship situations. Hardship generally includes, but is not limited to, illness, transportation difficulties, care of a household member, hardship due to residency in a rural area, prolonged severe weather, or work or training hours that prevent you from coming in during the social services district's office hours. The in-office interview will be waived, at your request, if all the adult members of your household are elderly or disabled with no earned income. The agency may waive the in-office interview in favor of a telephone interview or scheduled home visit. In-person interviews may be scheduled in advance at any mutually acceptable location including a household's residence.

6) Get a written notice telling you if your application for Food Stamp Benefits is approved or denied:

--If your Application is approved, this notice will tell you the amount of Food Stamp Benefits you will get;

--If your Application is denied, this notice will tell you why and what you should do if you disagree or do not understand this decision.

TO A CONFERENCE AND/OR FAIR HEARING

If you think any decision about your case is wrong, or you do not understand any decision, talk to your worker right away. If you still disagree or do not understand, you have the right to a Conference and/or a Fair Hearing.

CONFERENCE - A Conference is when you meet with someone other than the person who made the decision about your case. At the Conference this person will review that decision. Sometimes a Conference is the fastest way to solve any problems you may have. We encourage you to ask for one even if you have requested a Fair Hearing. However, Conferences are voluntary, and you can request a Fair Hearing even if you do not request a Conference.

To ask for a Conference, call or write your local department of social services.

RESPONSIBILITY TO ACCESS YOUR FOOD STAMP BENEFITS

If you are receiving Food Stamp Benefits with Electronic Benefit Transfer (EBT): If you are approved to get Food Stamp Benefits, your benefits will be issued to your Electronic Benefit Transfer (EBT) Food Stamp Benefits account on the same date each month. If you do not use your EBT Food Stamp Benefits account for 365 consecutive days, it will fall into expungement status. This means that any Food Stamp Benefits that have been available in your account for at least 365 days will be expunged (removed). Expunged Food Stamp Benefits cannot be replaced.

A CONFERENCE IS NOT A FAIR HEARING. If you are told that your case is being closed, or that your food stamp benefits or other help you are getting will change, and the problem is not settled through a Conference, you must ask for a Fair Hearing to keep your food stamp benefits or other help you are getting from being stopped or changed. Your time to request a fair hearing and your right to "aid to continue" will not be extended by requesting or having a conference.

NOTE: A request for a Conference is not a request for a Fair Hearing. If you want a Fair Hearing, you must request one.

FAIR HEARING - A Fair Hearing is a chance for you to tell an Administrative Law Judge from the New York State Office of Temporary and Disability Assistance why you think the decision about your case was wrong. The State will then issue a written decision which will state whether the local department of social services decision was right or wrong. The written decision may order the local department of social services to correct your case.

At a Fair Hearing you will have a chance to explain why you think the decision is wrong.

TIME LIMITS TO ASK FOR A FAIR HEARING - If you want to ask for a Fair Hearing for Food Stamp Benefits, call right away because there are time limits. If you wait too long, you may not be able to get a Fair Hearing.

NOTE: If your situation is very serious, the New York State Office of Temporary and Disability Assistance will set up a Fair Hearing for you as soon as possible. When you call or write for a Fair Hearing, be sure to explain that your situation is very serious.

If you do get a notice about your case and you want to ask for a Fair Hearing, the notice will tell you how much time you have to ask for the Fair Hearing. Be sure to read all of the notice carefully.

If your notice tells you that your Food Stamp Benefits have been denied, will be stopped or will be reduced, you may ask for a Fair Hearing within 90 days from the date of the notice. You may ask for a Fair Hearing if you think you are not getting enough Food Stamp Benefits at anytime within the certification period.

If you do not get a notice about your case, and your benefits are denied, stopped or reduced you can also ask for a Fair Hearing.

HOW TO ASK FOR A FAIR HEARING

If you do get a notice about your case and you want to ask for a Fair Hearing, the notice will tell you how. Be sure to read all of the notice carefully.

If you get a notice telling you that your benefits will be stopped or reduced, and you ask for a Fair Hearing before the effective date on your notice, your money or other help will, in most instances, stay the same ("aid continuing") until the Fair Hearing decision is made. If the notice was not sent before the effective date, and you ask for a Fair Hearing within 10 days of the postmark date of the notice, you also have the right to have your money or other help stay the same ("aid continuing") until the Fair Hearing decision is made.

However, if you do get "aid continuing" and you lose the Fair Hearing, you will have to pay back any benefits

that you received as "aid continuing" while waiting for the Fair Hearing decision.

If you do not want the money or other help you have been getting to stay the same until the Fair Hearing decision is made, you must tell this to the New York State Office of Temporary and Disability Assistance when you call or write for a Fair Hearing.

If you do not get a notice about your case, and your benefits are stopped or reduced, you can still ask for a Fair Hearing. At the same time that you ask for a Fair Hearing, you can ask that your money or other help be restored ("aid continuing").

WHAT YOU SHOULD DO FOR A FAIR HEARING

The New York State Office of Temporary and Disability Assistance will send you a notice, which tells you when and where the Fair Hearing will be held.

To help you get ready for the Fair Hearing, you have the right to look at your case record and get free copies of the forms and papers which will be given to the Administrative Law Judge at the Fair Hearing. You can also get free copies of any other papers in your case record which you think you may need for the Fair Hearing. Usually, you can get these papers before the hearing or at the hearing at the latest. If you ask for any papers, and the local department of social services does not give them to you before or at the hearing, you should tell the Administrative Law Judge about it.

You can bring a lawyer, a relative or a friend to the Fair Hearing to help you explain why you think a decision about your case is wrong. If you cannot go to the Fair Hearing, you can send someone else in your place. If you are sending someone who is not a lawyer to the Fair Hearing, you should give this person a letter to give to the Administrative Law Judge. This letter should tell the Judge that this person is taking your place.

To help you explain at the Fair Hearing why you think the decision is wrong, you should also bring any witnesses who can help you and any information you have such as:

- 1) Pay stubs
- 2) Bills
- 3) Receipts
- 4) Leases
- 5) Doctor's Statements

Someone from your local department of social services will also be at the Fair Hearing to explain the decision about your case. You or your representative will be able to question this person and present your side of the

case. You or your representative will also be able to question any witnesses who you bring to help you.

If you think you need a lawyer to help you with your Fair Hearing, you may be able to get a lawyer at no cost to you by calling your local Legal Aid or Legal Services Office. For the names of other lawyers, call your local Bar Association.

NOTE: If you ask, you will be able to get back the money you had to pay for public transportation, child care and other necessary expenses to go to the fair hearing. If no public transportation is available, you may be able to get back the money you had to pay for another type of transportation. If you are unable to use public transportation because of a medical problem, you may be able to get back the money you had to pay for another type of transportation. However, you may be asked to provide medical verification.

If you live anywhere in New York State, you may request a Fair Hearing by telephone, fax, online, or by writing to the address below.

Telephone: Statewide toll free request number is 800-342-3334. Please have the notice, if any, with you when you call.

Fax: your Fair Hearing Request to: 518-473-6735

Online: Complete online request form at <http://www.otda.ny.gov/oah/FHReq.asp>

In writing: For notices, fill in the supplied space and send a copy of the notice, or write to:

Fair Hearing Section
NYS Office of Temporary and Disability Assistance
Fair Hearings
P.O. Box 1930
Albany, New York 12201-1930

Please keep a copy of any notice for yourself

If you live in New York City you may also make your request in person by walking into the office listed below.

Walk-In (New York City Only) Bring a copy of the notice, or ask for a hearing on a matter not based on a notice, to:

Office of Administrative Hearings
Office of Temporary & Disability Assistance
14 Boerum Place
Brooklyn, New York

or

330 W. 34th Street, 3rd Fl.
New York, New York

NOTE: For New York City emergency fair hearings only, call 800-205-0110. Do not use this telephone number for anything except emergencies. Requests that do not involve emergencies will not be taken at this number.

TO LOOK AT YOUR CASE AND COMPUTER RECORDS:

Once you apply for food stamp benefits or other help, case records and computer records are kept about your case. Usually, you have the right to look at those records. However, you may not be able to look at all of the records. Your worker can explain the rules to you.

When you write for copies of your computer records, the Personal Privacy Protection Law requires that New York State agencies, send you your records; or tell you why they will not give you your records; or tell you they have your request and they will determine if you are allowed to get your records within five working days of when they get your request letter.

REGARDING EMPLOYMENT:

If you do not agree that you are able to work, you should notify the local department of social services that you believe you should be exempt from participation in work activities. You will be notified by the local department of social services determination regarding your claim. If the local department of social services disagrees with you, you may request a fair hearing to tell an Administrative Law Judge why you think you are not able to work.

If you are required to participate in food stamp work activities, you may be able to get help paying for certain work-related expenses. You also may be able to receive assistance with child care costs.

IF YOU ARE SUSPECTED OF FRAUD

If you find out that you are being investigated because your worker thinks you did not tell the truth about your case, you should talk to a lawyer. If you are charged with welfare fraud in criminal court, the court will, if you are eligible, assign a lawyer to represent you at no cost.

AS AN APPLICANT/RECIPIENT OF FOOD STAMP BENEFITS YOU HAVE SEVERAL RESPONSIBILITIES:

EMPLOYMENT RESPONSIBILITIES FOR FOOD STAMP BENEFIT RECIPIENTS:

Unless you are exempt from work requirements as an applicant for or recipient of Food Stamp Benefits you must comply with certain rules, including participation in work activities and accepting a job. Your worker will explain these rules.

If you do not comply with the work requirements, you may lose your Food Stamp Benefits. There are several exemptions from participation in food stamp work requirements. Ask your worker if you qualify for one of the exemptions. You may be required to provide documentation to support your claim.

If you are not exempt from participation in work activities and do not comply with the work requirements, you may lose your Food Stamp Benefits. The length of time you will lose your benefits depends on the number of times you have failed to comply.

ADDITIONAL RESPONSIBILITIES AND REQUIREMENTS FOR FOOD STAMP BENEFITS RECIPIENTS WHO ARE ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

If you are an able-bodied work registrant, you may also be required to meet additional Food Stamp Benefits eligibility requirements. Your worker will explain these requirements and the exemptions from the requirements.

If you are a work registrant and not exempt, you will only be eligible to receive Food Stamp Benefits for three months in every 36 months unless you are meeting the additional requirements.

If you want to continue to receive Food Stamp Benefits beyond the three month limit, you should ask your worker for a qualifying work or training opportunity.

If you lose your eligibility for Food Stamp Benefits because you did not meet the additional requirement for three or more months during which you received Food Stamp Benefits, you may be able to re-establish your eligibility in several different ways. Your worker will explain how to do this.

RESPONSIBILITY TO RESCHEDULE A MISSED INTERVIEW:

As a Applicant/Recipient of Food Stamp Benefits, you have the responsibility of rescheduling a missed interview before the 30th day after the date you applied to avoid losing Food Stamp Benefits.

RESPONSIBILITY TO PROVIDE PROOF

When you are applying for or getting help, you will be asked to provide proof of certain things. Your worker will tell you which of these things you must prove. Not all of these things are required for every program. You may have to prove some things for one program and not for another.

If you bring proof with you when you first come in to apply for assistance, you may be able to get help sooner.

If you drop documentation off at your local department of social services, you should ask for a receipt to prove what documentation you left. The receipt should have your name, the specific documentation that you dropped off, the time, date, district name and the name of the social services worker who provided the receipt.

If you cannot get the proof you need, ask your worker to help you. If the local department of social services already has proof of the things that do not change, such as your social security number, you do not need to prove them again.

If your worker tells you that you need additional papers and information to find out if you can get help, you must provide that proof. If you cannot get these papers and information, your worker must try to help you.

NON-CITIZEN ELIGIBILITY INFORMATION

Many non-citizens are qualified aliens who are eligible for Food Stamp Benefits. Even if you are not, your children may be eligible. Food Stamp Benefits should not affect your immigration status with respect to any USCIS decision regarding your immigration matter.

You may be eligible for Food Stamp Benefits if you are a United States (U.S.) citizen, a non-citizen U.S. national (people born in American Samoa or Swain Island), or a qualified alien. A qualified alien for food stamp eligibility is:

1. An American Indian born in Canada with at least 50 per centum of blood of the American Indian race under section 289 of the Immigration and Nationality Act (INA), or
2. A member of an Indian tribe that is a federally recognized Indian tribe (25 U.S.C. (450b(e))), or
3. An alien admitted as a Hmong or Highland Laotian, including spouse and dependent child, or
4. A refugee admitted under section 207 of the INA, or
5. An alien granted asylum under section 208 of the INA, or

6. An alien whose deportation has been withheld under section 234(h) of the INA as in effect prior to April 1, 1997, or removal withheld under section 241(b)(3) of the INA, or

7. An alien admitted as a Cuban or Haitian entrant, or

8. An alien who is a victim of trafficking under section 103(8) of the Trafficking Victims Protection Act, or

9. An alien who is on active duty in the U.S. armed forces or, an honorably discharged veteran, their spouse and dependent children, and the un-remarried surviving spouse and unmarried dependent children of

an active duty member or veteran who has died, or

10. An alien admitted as an Amerasian, or

11. An alien lawfully admitted for permanent residence under the INA and who has 5 years in status, or

12. An alien paroled under section 212(d)(5) of the INA for at least 1 year and who has 5 years in status, or

13. An alien or parent or child of an alien who has been battered or subjected to extreme cruelty in the U.S. by a family member and entered the U.S. before 8/22/96 or has 5 years in status, or

14. Aliens also may be eligible for Foods Stamp Benefits if:

1) They are lawfully admitted for permanent residence and have earned, or can be credited with 40 quarters of work;

2) They are in a qualified status listed above and receive certain disability or blindness benefits;

3) They are in a qualified status listed above and are under 18 years old;

4) They are lawfully in the U.S. on August 22, 1996 and are now blind or disabled, old, or was born on or before August 22, 1931.

RESPONSIBILITY TO ENROLL IN THE AUTOMATED FINGER IMAGING SYSTEM (AFIS) - IS THIS TRUE FOR FOOD STAMPS?

If you are applying for or receiving Food Stamps Benefits, you may be required to be entered into the Automated Finger Imaging System (AFIS) if you are an adult (18 years of age or older) or if you are the head of household.

READ THE IMPORTANT INFORMATION BELOWFOOD STAMP BENEFITS (FS) PENALTY WARNING -

Any information you provide in connection with your application for FS will be subject to verification by Federal, State and local officials. If any information is incorrect, you may be denied FS. You may be subject to criminal prosecution for knowingly providing incorrect information. You will never be able to get FS again if you are

found guilty in a court of law for the second time of buying or selling controlled substances (illegal drugs or certain drugs for which a doctor's prescription is required) in exchange for FS; or found guilty in a court of law of selling or getting firearms, ammunition or explosives in exchange for FS; or found guilty in a court of trafficking in FS worth \$500 or more. Trafficking includes the illegal use, transfer, acquisition, alteration or possession of FS, authorization cards or access devices; or found guilty of committing a third Intentional Program Violation (IPV). You will not be able to get FS for two years if you are found guilty in a court of law for the first time of buying or selling controlled substances (illegal drugs or certain drugs for which a doctor's prescription is required) in exchange for FS. If you have committed your first IPV, you will not be able to get FS for one year. A second IPV, you will not be able to get FS for two years. A court could also bar you from receiving Food Stamp Benefits for an additional 18 months. If you make a false statement about who you are or where you live in order to get multiple FS, you will not be able to get FS for ten years (or permanently if this is the third IPV). You may be found guilty of an IPV if you make a false or misleading statement, or misrepresent, conceal or withhold facts; or commit any act that constitutes a violation of Federal or State law for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of coupons, authorization cards or reusable documents used as part of the Electronic Benefit Transfer (EBT) system. You could also be fined up to \$250,000, sent to jail for up to 20 years, or both. Anyone who is fleeing to avoid prosecution, custody or confinement for a felony, or who is violating a condition of probation or parole, is not eligible to receive Food Stamp Benefits. If you get more Food Stamp Benefits than you should have (overpayment), you must pay them back. If your case is active, we will take back the amount of the overpayment from future Food Stamp Benefits that you get. If your case is closed, you may pay back the overpayment through any unused Food Stamp Benefits remaining in your account, or you may pay cash. If you have an overpayment that is not paid back, it will be referred for collection in a number of ways, including automated collection by the federal government. Federal benefits (such as Social Security) and tax refunds that you are entitled to receive may be taken to pay back the overpayment. The debt will also be subject to processing charges. Any expunged Food Stamp Benefits will be put towards your overpayment. If you apply for Food Stamp Benefits again, and have not repaid the amount you owe, your Food Stamp Benefits will be reduced if you begin to get them again. You will be notified, at that time, of the amount of reduced benefits you will get.

CONSENT FOR RELEASE OF CONFIDENTIAL UNEMPLOYMENT INSURANCE (UI) INFORMATION -

I authorize the New York State Department of Labor (DOL) to release any confidential information, maintained by DOL for Unemployment Insurance (UI) purposes, to the New York State Office of Temporary and Disability Assistance (OTDA). This information includes UI benefit claims and wage records. I understand that OTDA, along with State and local agency employees working in local social services district offices, will use the UI

information for establishing or verifying eligibility for, and the amount of, TA, MA, or FS benefits applied for in this application and for investigations to determine whether I received benefits to which I was not entitled. SUA (STANDARD UTILITY ALLOWANCE) INFORMATION - I understand that Food Stamp Benefits (FS) recipients are categorically income eligible for the Home Energy Assistance Program (HEAP). If I am not included in the annual automatic HEAP payment process for certain FS recipients, my household intends to apply for a HEAP benefit within the next 12 months. If I decide not to apply for HEAP within the next 12 months, I will let my worker know.

TELEPHONE ALLOWANCE INFORMATION -

I understand that Food Stamp Benefits recipients are eligible for a telephone allowance if they pay to use a home phone, cell phone, phone, phone calling card or coin operated pay phone. If I do not have any cost to make phone calls, I will let my worker know. REQUIREMENT TO REPORT/VERIFY HOUSEHOLD EXPENSES - I understand that my household must report child care and utility expenses in order to get a Food Stamp Benefits (FS) deduction for these expenses. I further understand that my household must report and verify rent/mortgage payments, property taxes, insurance, medical expenses and child support paid to a non-household member in order to get a FS deduction for these expenses. I understand that failure to report/verify the above expenses will be seen as a statement by my household that I/we do not want to receive a deduction for those unreported/unverified expenses. A deduction for these expenses may make me eligible for FS or may increase my FS. I understand that I may report/verify these expenses at any time in the future. This deduction would then be applied to the calculation of FS in future months in accordance with the rules for change reporting and processing changes. PRIVACY ACT STATEMENT - COLLECTION AND USE OF SOCIAL SECURITY NUMBER (SSN) - The collection of SSN's is authorized for each household member with respect to Food Stamp Benefits pursuant to the Food Stamp Act of 1977 (as amended, 7 US Code 2011-2036). The information we collect will be used to determine whether your household is eligible or continues to be eligible for benefits. We will verify this information through computer matching programs. This information will also be used to monitor compliance with program regulations and for program management. The information will be used to check identity, to verify earned and unearned income, and to determine if applicants or recipients can receive money or other help. The information may be disclosed to State and Federal agencies for official examination and to law enforcement officials for the purpose of apprehending persons fleeing to avoid the law. If you or anyone applying/recertifying does not have an SSN, a SSN must be applied for at the Social Security Agency. NON-DISCRIMINATION NOTICE - In accordance with Federal Law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political belief, or disability. To file a complaint of discrimination write USDA, Director, Office of Civil

Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer. Income and eligibility verification system (IEVS) Information available through IEVS will be requested, used and may be verified through collateral contact when discrepancies are found. Such information may affect the household's eligibility and level of benefits.

Please sign below indicating that you have read the rights and responsibilities

*I have read the Rights and Responsibilities listed above.

Publications LDSS-4148A, LDSS-4148B, LDSS-4148C, LDSS-4148D, What You Should Know About Social Services Program Books 1, 2, 3 and the supplement may be obtained by contacting your local Social Services District.